



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Report of Administrator of Insolvent Estate and Request for Final Discharge [Prob.
C. 11600]

Age:		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 11/12/13</u> Per request of Counsel
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
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<input type="checkbox"/>	Notice of Hrg	
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<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
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<input type="checkbox"/>	FTB Notice	
Reviewed by: JF		
Reviewed on: 10/23/13		
Updates:		
Recommendation:		
File 1 - Murphy		

(1) First and Final Report of Administration, and (2) Petition for Statutory and Extraordinary Attorneys Fees and for (3) Final Distribution on Waivers of Accounting

DOD: 01/31/08		ALICE PENA , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 08/27/13</u> Declaration filed 08/26/13 states that notice to the Franchise Tax Board was sent on 08/06/13.
		Accounting is waived.	
		I & A - \$45,000.00	
		POH - \$45,644.63	
Cont. from 052913, 080713, 082713		Administrator - Waived	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$1,800.00 (statutory)	
<input checked="" type="checkbox"/>	Verified	Attorney x/o - \$600.00 (for sale of real property)	
<input checked="" type="checkbox"/>	Inventory	Closing- \$1,000.00	
<input checked="" type="checkbox"/>	PTC	Distribution, pursuant to intestate succession, is to:	
<input checked="" type="checkbox"/>	Not.Cred.	Alice Pena - \$5,222.83	
<input checked="" type="checkbox"/>	Notice of Hrg	Manual Chaidez - \$5,222.82	
<input checked="" type="checkbox"/>	Aff.Mail w/	Sally Vargas - \$5,222.82	
	Aff.Pub.	Arnold Chaidez - \$5,222.82	
	Sp.Ntc.	Elvira Chaidez - \$5,222.82	
	Pers.Serv.	Jane Chaidez - \$5,222.82	
	Conf. Screen	George Chaidez - \$5,222.82	
	Letters 07/29/08	Heirs of Fred Chaidez, post-deceased, brother, pursuant to Affidavits filed under Probate Code § 13100, as follows:	
	Duties/Supp	Elaine Chaidez - \$1,740.93	
	Objections	Steven Chaidez - \$1,160.63	
	Video Receipt	Jennifer Cerda - \$1,160.63	
	CI Report	Jonathan Chaidez - \$1,160.63	
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
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	Status Rpt		
	UCCJEA		
	Citation		
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			Reviewed by: JF
			Reviewed on: 10/23/13
			Updates:
			Recommendation:
			File 2 – Chaidez

(1) Second and Final Account and Report of Conservator of the Estate and (2) Petition for Allowance of Attorney Fees, and (3) Discharge of Conservator of the Estate

DOD:4-17-13		<p>KATINA SAPIEN LOZANO PAULEY, Conservator with bond of \$60,000.00, is Petitioner.</p> <p>Note: <i>Petitioner's First Account covering the period of 9-19-11 through 9-18-12, was never settled. See prior Examiner Notes.</i></p> <p>Second Account period: 9-19-12 through 4-15-13 Accounting: \$29,845.77 Beginning POH: \$25,043.72 Ending POH: \$11,665.03</p> <p>Final Account period: 4-16-13 through 8-12-13 Accounting: \$20,041.85 Beginning POH: \$11,665.03 Ending POH: \$18,577.10 (\$16,577.10 cash plus personal property valued at \$2,000.00)</p> <p>Conservator: Not requested</p> <p>Attorney (This Second Account): \$3,260.00</p> <p>Attorney (First Account, not yet authorized): \$4,035.00</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> Settling and allowing this account and report and approving and confirming the acts of Petitioner as Conservator; Authorizing payment of attorney fees for this petition and as sought in the First Account; Distribution of the remaining \$9,282.10 to Petitioner as Trustee of the Angelina S. Lozano Living Trust; Authorizing discharge of the Conservator and her bond; For such other orders as the Court deems proper. 	<p>NEEDS/PROBLEMS/COMMENTS: Continued from 8-7-13</p> <ol style="list-style-type: none"> The First Account, which covered the period 9-19-11 through 9-18-12, was never settled due to numerous listed issues. See prior Examiner Notes from hearings on 4-11-13, 5-2-13 and 7-12-13. On 4-11-13, the Court advised that the Conservator may be removed, and sent notice to the surety re the continued hearing date. On 5-2-13, the Court continued the matter to 7-12-13. <p>However, it appears that at the continued hearing on 7-12-13, it was noted that the Conservatee had passed away (although this happened after the account period that was at issue), and the Court set "status" for the final account to be filed. No action was taken regarding the First Account by the Court or by the Petitioner regarding further addressing the issues.</p> <p>However, the First Account, which covered the period prior to her death, was never addressed and settled by the Court.</p> <p>This Second and Final Account cannot go forward until the First Account has been settled. The Court may require amended account covering the entirety of the conservatorship.</p> <p><u>Note:</u> Issues noted regarding the first account as filed included inadvertent borrowing from the conservatorship account (mistaken debit card), depositing income to trust rather than conservatorship account, purchase of assets not listed as property of the conservatorship estate, cash withdrawals and disbursements not reflected on schedules, transfers to the trust, attorney fee payment issues, overdraft fees.</p>	
Cont. from 080713				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	FTB Notice			

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 10-23-13

Updates:

Recommendation:

File 3 - Lozano

Page 2

2. Attorney Fees of \$8,874.83 were previously authorized for Attorney Joanne Sanoian pursuant to petition prior to the filing the First Account. Attorney Sanoian then requested fees of \$4,035.00 at the First Account, and this petition requests fees of \$3,260.00.

If approved, attorney fees for this conservatorship estate total \$16,169.73, which is almost half of the original value of the conservatorship estate.

The Court may require further clarification regarding the current and pending fee requests with reference to Probate Code §2640(c) (*just and reasonable compensation*), Cal Rules of Court 7.751 (*best interest of Conservatee*), Cal. Rules of Court 7.752 (*Court may require accounting before allowing compensation*) and Local Rule 7.16, which contemplates \$2,500.00 to establish conservatorship and prepare the first account (assuming account required prior to petition, per 7.752).

3. Petitioner requests distribution of the remaining \$9,282.10 to Petitioner as Trustee of the Angelina S. Lozano Living Trust. Examiner notes that although the Court addressed the existence of a trust at the hearing on appointment of Petitioner as Conservator, it does not appear that Petitioner was ever formally appointed as trustee under proper authority with proper notice.
- a) The Court may require formal confirmation of Petitioner as Trustee, via separate proceeding with proper notice under applicable law, prior to authorizing further distribution.
- b) If this petition goes forward, need declaration pursuant to Local Rule 7.12.5 for distribution to trust.

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 04/13/12		<p>DARRYL GRANT, son, was appointed Administrator with Bond in the Amount \$89,000.00 on 06/12/12. Bond was filed 07/02/12 and Letters of Administration were issued on 06/15/12.</p> <p>Inventory & Appraisal filed 07/20/12 - \$67,000.00.</p> <p>Minute Order from hearing on 06/12/12 set this matter for Status regarding filing of the First Account and/or Petition for Final Distribution.</p> <p>Status Report: Declaration of J. Stanley Teixeira filed 08/08/13 states: He has been unable to contact his client after many attempts. He has filed a Motion to be Relieved as Counsel that is set for hearing on 09/10/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 09/27/13</u> Minute Order from 09/27/13 states: Mr. Teixeira informs the Court that there is another heir and the only asset in the estate is the house.</p> <p>As of 10/23/13, nothing further has been filed in this matter.</p> <p>1. Need Accounting and/or Petition for Distribution <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 080913, 092713			
Aff.Sub.Wit.			
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Notice of Hrg			
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Aff.Pub.			
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Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 10/23/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4A – Grant</p>	

Notice of Motion and Motion to be Relieved as Counsel

DOD: 04/13/12		DARRYL GRANT, attorney for Administrator, Darryl Grant, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 09/27/13 Minute Order from 09/27/13 states: The Court informs the parties that if communication between Mr. Teixeira and Mr. Grant does not improve to Mr. Teixeira's satisfaction, the house will be listed and the Court will consider the motion before it. As of 10/23/13, nothing further has been filed in this matter. 1. Minute Order from hearing on 08/09/13 moved this hearing from 09/10/13 to 09/27/13; however, the Notice of Hearing that was mailed to the relevant parties reflected the hearing date of 09/10/13. Need proof of service of <i>Notice of Hearing</i> for the re-set hearing date of 09/27/13.
Cont. from 092713		DARRYL GRANT, son, was appointed Administrator with Bond in the Amount \$89,000.00 on 06/12/12.		
	Aff.Sub.Wit.			
✓	Verified		Bond was filed 07/02/12 and Letters of Administration were issued on 06/15/12.	
	Inventory			
	PTC			
	Not.Cred.		Inventory & Appraisal showing the value of the estate at \$67,000 was filed 07/20/12.	
✓	Notice of Hrg			
✓	Aff.Mail	w/	Petitioner states that he has made numerous attempts to contact the Darryl Grant, but has not received a response. There has been no response to phone calls, visits to Mr. Grant's residence, or mailed letters.	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
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✓	Order			
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	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: JF
				Reviewed on: 10/23/13
				Updates:
				Recommendation:
				File 4B – Grant

		DAVID C. DUNGY , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1-1-07 through 11-1-12	
		Accounting: \$ 225,375.69	<u>Continued from 8-19-13, 9-30-13</u>
		Beginning POH: \$ 0.00	
		Ending POH: \$ 0.00	<u>Minute Order 8-19-13:</u> Ms. De Caro advises the Court that she has some questions regarding this matter and would like an opportunity to retain counsel. Ms. De Caro requests a continuance. Continued to 9/30/13
Cont. from 081913, 093013			
<input type="checkbox"/>	Aff.Sub.Wit.		<u>Minute Order 9-30-13:</u> Counsel requests a continuance. Continued to 10-28-13.
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		<u>Note:</u> The order in the file was marked up at the last hearing; therefore, if granted, a new order is needed.
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 73		TEMP REQUEST DISMISSED PER REQUEST JOYCE WRIGHT , Sister, and CHARLOTTE TAVARES , Niece, are Petitioners and request appointment as Conservators of the Person. Voting rights affected A Capacity Declaration was filed 10-2-13. Petitioners state the proposed Conservatee fell and broke her hip and needed hip replacement. The doctor needed the person in charge to sign consent forms. Three nurses that came to the home said someone needed power of attorney, but she is mentally disabled and can't consent to that. Therefore, conservatorship is needed to pay her bills and take care of her needs. She is 73 and never had an emergency until now. Petitioners request conservatorship so that they won't have any problems seeing to her needs. Court Investigator Dina Calvillo filed a report on 10-9-13.	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 10-8-13</u> <u>Continued from 10-21-13</u> <u>Minute Order 10-21-13:</u> Also present in the courtroom is Sheila Smith. Joann Brewer and Donnie Brewer object to the petition. The Court on its own motion amends the petition to include medical consent powers. Parties agree to participate in mediation immediately following today's hearing. The Court directs Mr. Fischer to provide the Court a report regarding the status of mediation. Donnie Brewer provides contact information. Matter continued to 10/28/13 at 9:00a.m. in Dept 303 <u>As of 10-23-13, nothing further has been filed.</u> 1. Notice of Hearing filed 10-2-13 appears to be defective: Service was performed by the petitioners, and it does not indicate that a copy of the petition was included in the service on the relatives per Probate Code §1822. The Court may require amended service. 2. The petition is blank at #5f; however, Petitioners state the proposed Conservatee has been mentally disabled since infancy. Notice may be required to Central Valley Regional Center (CVRC) if the proposed Conservatee is developmentally disabled as defined in Probate Code §1420. See §1822(e). 3. Need video receipt per Local Rules.	
Cont. from 102113				
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				Reviewed by: skc
				Reviewed on: 10-23-13
		Updates:		
		Recommendation:		
		File 17 – Horn		